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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,771	08/13/2001	Charles R. Buckman	066101.0291	7610

33438 7590 06/06/2005

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EXAMINER
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AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/928,771

Applicant(s)

BUCKMAN ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-32 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
• Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-24, drawn to a programmable packet-based network having plural nodes for providing services to network subscribers comprising a service creation tool having an operator interface for programming a service definition package, the service definition package having one or more packet processing behaviors defined in a network programming language, a service control center interfaced with the packet-based network and operable to accept the service definition package for deployment to predetermined network nodes, and at least one network node interfaced with the network, the node having a network processor, the node operable to perform the one or more packet processing behaviors translated from the network programming language, classified in class 709, subclass 220.
  - II. Claims 25-32, drawn to a graphical user interface for programming network nodes of a packet-based network, the graphical user interface comprising a library window having plural tabs, each tab having one or more functions represented by windows adapted to identify one or more parameters associated with the functions, a service window presented proximate to the library window, the service window adapted to present

functions as elements of a service, wherein the functions of the library window are further adapted for insertion in the service window to define a service, classified in class 715, subclass 735.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a programmable packet-based network having plural nodes for providing services to network subscribers comprising a service creation tool having an operator interface for programming a service definition package, the service definition package having one or more packet processing behaviors defined in a network programming language, a service control center interfaced with the packet-based network and operable to accept the service definition package for deployment to predetermined network nodes, and at least one network node interfaced with the network, the node having a network processor, the node operable to perform the one or more packet processing behaviors translated from the network programming language, and lacking a graphical user interface for programming network nodes of a packet-based network, the graphical user interface comprising a library window having plural tabs, each tab having one or more functions represented by windows adapted to identify one or more parameters associated with the functions, a service window presented proximate to the library window, the service window adapted to present functions as elements of a service, wherein the functions of the library window are further adapted for insertion in the

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service window to define a service. Invention II has separate utility such as having a graphical user interface for programming network nodes of a packet-based network, the graphical user interface comprising a library window having plural tabs, each tab having one or more functions represented by windows adapted to identify one or more parameters associated with the functions, a service window presented proximate to the library window, the service window adapted to present functions as elements of a service, wherein the functions of the library window are further adapted for insertion in the service window to define a service, and lacking a programmable packet-based network having plural nodes for providing services to network subscribers comprising a service creation tool having an operator interface for programming a service definition package, the service definition package having one or more packet processing behaviors defined in a network programming language, a service control center interfaced with the packet-based network and operable to accept the service definition package for deployment to predetermined network nodes, and at least one network node interfaced with the network, the node having a network processor, the node operable to perform the one or more packet processing behaviors translated from the network programming language. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. The search for Group I would include subclass 709/220, which would not be required for Group II.

6. The search for Group II would include subclass 715/735, which would not be required for Group I.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

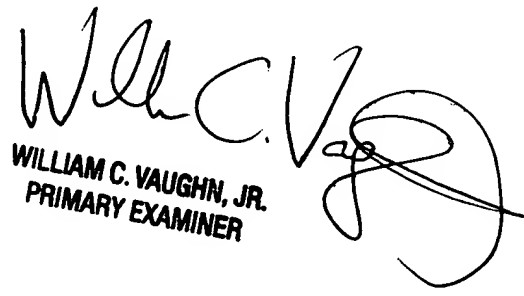
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA

May 26, 2005



WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER